

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JUNE BRISTOL,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION FILE NO.:
	)	
v.	)	
	)	[Removed from
	)	The State Court of
WALMART INC., and	)	Gwinnett County;
WAL-MART STORES EAST, LP,	)	Civil Action File No.
	)	22-C-01987-S2], )
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

NOW COME Defendants WALMART INC., and WAL-MART STORES EAST, LP (“Defendants”), named Defendants in the above-captioned matter, within the time prescribed by law and without waiving any defenses, to file this their Notice of Removal, respectfully showing this Honorable Court, as follows:

**1.**

On April 6, 2022, Plaintiff June Bristol filed a Complaint for damages against Defendants in the State Court of Gwinnett County, State of Georgia (located in the Northern District of this Court) under Civil Action File Number 22-C-01987-S2 and styled, June Bristol v. Walmart Inc., and Wal-Mart Stores East, L.P. (True and correct copies of all pleadings filed in the State Court case and

served upon or otherwise provided to Defendants are attached hereto as Exhibit “A”).

**2.**

Defendants were each served with Plaintiff’s Complaint on April 27, 2022. (Exhibit “A,” pp. 12-14). The Sheriff’s Entry of Service was filed with the Clerk of Court for the State Court of Gwinnett County on May 3, 2022. (Exhibit “A”).

**3.**

Upon information and belief, Plaintiff is a citizen of the State of Georgia. (See Complaint at ¶ 1, attached hereto as Exhibit “B”).

**4.**

Defendant Walmart Stores East, LP is a Delaware limited partnership, of which WSE Management, LLC is the sole general partner and WSE Investment, LLC is the sole limited partner. Both WSE Management, LLC and WSE Investment, LLC are Delaware limited liability companies with principal places of business in Arkansas. The sole member of both WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC. Wal-Mart Stores East, LLC is an Arkansas limited liability company with its principal place of business in Arkansas. The sole member of Wal-Mart Stores East, LLC is Walmart Inc. Walmart Inc. is a Delaware corporation with its principal place of business in Bentonville, Arkansas. As such, Walmart Stores East, LP and none of its partners

are or were citizens of the State of Georgia at the time of, or immediately prior to, the filing and service of this lawsuit, or at any time thereafter. (Exhibit “B,” Complaint at ¶ 2—5; *see also* Georgia, Delaware and Arkansas Secretary of State documents, attached hereto as Exhibit “C,” pp. 1-6).

**5.**

Defendant Walmart Inc. is a Delaware corporation with its principal place of business in the State of Arkansas. Defendant Walmart Inc. was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of said lawsuit, or at any time thereafter. (Ex. “B,” Complaint ¶ 2—5; and Ex. “C,” p. 5).

**6.**

Pursuant to the foregoing, complete diversity of citizenship exists between Plaintiff, a citizen of the State of Georgia, and Defendants, corporate citizens of the States of Delaware and Arkansas.

**7.**

Plaintiff June Bristol claims she suffered personal injuries as a result of a slip-and-fall incident at a Walmart store in Gwinnett County, Georgia on either December 21, 2020. (Ex. “B,” Complaint, *cf.* ¶¶ 8). As a result of the subject incident, Plaintiff’s Complaint indicates Plaintiff had incurred \$63,415.33 in

medical expenses as of April 6, 2022. (Ex. “B,” Complaint ¶ 42). Plaintiff’s Complaint further generally indicates that Plaintiff will incur future medical expenses, and has and will continue to suffer pain and suffering. (Ex. “B,” Complaint ¶¶ 43—45).

**8.**

Plaintiff’s Complaint expressly establishes that Plaintiff’s damages exceed the amount of \$75,000. (Ex. “B,” Complaint ¶¶ 42—45; *see also* 28 U.S.C. §§1332(a) and 1446(c)(2)).

**9.**

Defendant has timely removed this case pursuant to 28 U.S.C. §1446(b)(1) which provides that the “notice of removal of a civil action or proceeding shall be filed within thirty (30) days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based ....” This Notice of Removal is filed within thirty days of the service of Plaintiff’s Complaint upon Defendants on April 27, 2022. (Exhibit “A,”).

**10.**

This action is removable pursuant to 28 U.S.C. §§1332(a) and 1332(c) based on complete diversity of citizenship between Plaintiff and Defendants.

**11.**

This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§1332(a), 1332(c)(1) and 1446(c)(2) because complete diversity exists between Plaintiff and Defendants and because Plaintiff's Complaint expressly indicates that the amount in controversy exceeds \$75,000.00.

**12.**

Pursuant to the provisions of 28 U.S.C. §1446(a), Defendants have attached (as Exhibit "A") copies of all process, pleadings and Orders that were served on and/or provided to Defendants, including copies of all pleadings that have been filed to date in Civil Action File Number 22-C-01987-S2 in the State Court of Gwinnett County, Georgia for the above-styled case.

**13.**

Pursuant to 28 U.S.C. §1446, Defendants are not required to file a removal bond.

**14.**

A true and correct copy of this Notice of Removal shall be filed with the Clerk of the State Court of Gwinnett County, as required by 28 U.S.C. §1446.

**15.**

Written notice of the filing of this Notice of Removal shall be given to all Parties, through their counsel of record, as required by 28 U.S.C. §1446, per the attached Certificate of Service.

WHEREFORE, Defendants pray that the above-captioned lawsuit would be removed to and proceed in the United States District Court for the Northern District of Georgia, Atlanta Division; that no further proceedings would be held in the case originally filed in the State Court of Gwinnett County, State of Georgia; and that this Honorable Court would take cognizance of and jurisdiction over this suit as removed, pursuant to 28 U.S.C. §1332.

Respectfully submitted on this the 26<sup>th</sup> day of May, 2022.

WALDON ADELMAN CASTILLA  
HIESTAND & PROUT



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BRIAN C. MCCARTHY  
Georgia Bar No.: 001322

*Attorneys for Defendants*

900 Circle 75 Parkway, Suite 1040  
Atlanta, Georgia 30339  
Telephone: (770) 953-1710  
Facsimile: (770) 933-9162  
[bmccarthy@wachp.com](mailto:bmccarthy@wachp.com)

**CERTIFICATE OF COMPLIANCE**

On this the 26<sup>th</sup> day of May, 2022, the undersigned hereby certifies that the foregoing pleading complies with the font and point selections approved by the Court pursuant to Local Rule 5.1B. The foregoing pleading has been prepared in 14-point Times New Roman font.

WALDON ADELMAN CASTILLA  
HIESTAND & PROUT



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BRIAN C. MCCARTHY  
Georgia Bar No.: 001322  
*Attorneys for Defendants*

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Defendants.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that, on this the 26<sup>th</sup> day of May, 2022, I electronically filed the foregoing *Notice of Removal* with the Clerk of this Court using the CM/ECF system which will automatically provide notice of such filing via electronic mail to the following attorney(s) of record:

Anita M. Lamar, Esq.  
Stephen A. Shea, Esq.  
Lamar Law Office, LLC  
P.O. Box 2558  
Tucker, GA 30085

*[Signature on Next Page]*



WALDON ADELMAN CASTILLA  
HIESTAND & PROUT



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BRIAN C. MCCARTHY  
Georgia Bar No.: 001322  
*Attorneys for Defendants*

900 Circle 75 Parkway, Suite 1040  
Atlanta, Georgia 30339  
Telephone: (770) 953-1710  
Facsimile: (770) 771-6642  
[csemmler@wachp.com](mailto:csemmler@wachp.com)